UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEBBIE MARKOWITZ,   :

                          Petitioner, :

                                            :   21 Misc. 397 (LGS)

        -against-   :

                                            :   <u>ORDER</u>

KBI SERVICES D/B/A KINDBODY,   :

                       Respondent. :
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LORNA G. SCHOFIELD, District Judge:

        WHEREAS, on June 11, 2021, Petitioner filed a response in opposition to a motion to dismiss. Dkt. No. 20. Petitioner also filed a letter requesting permission to redact certain portions of her memorandum of law and declaration concerning attorney's fees and hours because they are confidential business information. Dkt. No. 25.
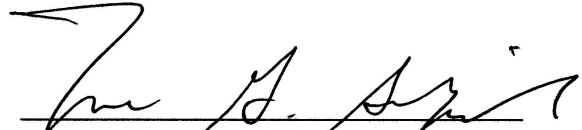
        WHEREAS, "[t]he common law right of public access to judicial documents is firmly rooted in our nation's history," this right is not absolute, and courts "must balance competing considerations against" the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc'ns., Inc.*, 435 U.S. 589, 599 (1978) ("[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case."). The presumption of access "can be overcome only be specific, on-the-record findings that higher values necessitate a narrowly tailored sealing." *Lugosch*, 435 F.3d at 126.

        WHEREAS, Petitioner has not provided support that the redaction of this information is needed because it will, for example, cause harm such as the revelation of business strategy or the diminution of competitive advantage. *See Morgan Art Found. Ltd. v. McKenzie*, No. 18 Civ.

4438, 2021 WL 1130699, at *3 (S.D.N.Y. Mar. 6, 2020). It is hereby

ORDERED that, Petitioner's request for permission to redact information concerning

attorney's fees and hours is **DENIED**. By **June 29, 2021**, Petitioner shall refile her memorandum

of law and declaration with this information un-redacted.

Dated: June 24, 2021
      New York, New York

                                      LORNA G. SCHOFIELD
                            UNITED STATES DISTRICT JUDGE